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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,846	09/15/2003	Kenneth R. Schmidt	GP-303014	1213

7590 01/21/2005

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EXAMINER

TRAN, LEN

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,846	Applicant(s) SCHMIDT ET AL.	
	Examiner Len Tran	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angel et al (US '801) as applied to claim 1 above, and further in view of Heideman (US 4,825,031).

Angel et al disclose a weld gun having a base (16), first and second arms (12 and 14) supported on the base for pivotal motion about a common axis extending laterally between the arms, a pair of electrodes (30) carried on the arms and engageable upon pivotable motion of the arms moving electrodes toward one another to a closed position, and further comprising:

A lever (34) supported on the base (16) and pivotable on a second axis spaced longitudinally from the first axis, the lever (34) having ends spaced in opposite directions from the second axis,

The ends of the lever being connected one with each of the first and second arms (figure 2),

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An actuator (22) connected to actuate at least one of the arms in a pivotable motion (figure 2),

Whereby actuation of one arm is operative to pivot the lever to oppositely actuate the second arm in a predetermined manner so that the arms move the electrodes toward and away from one another (figure 2).

Angel et al further disclose one of the ends of the lever is connected with the arms through a rod (36a and 36b, figure 2).

Angel et al disclose the claimed invention above, but fail to teach two resilient member is connected with a rod, between the lever and the arms, to limit variation of the electrode in closed position.

However, Heideman discloses two resilient members (18 and 20), connected with the rod, between the support structure and the arms, for the purpose of varying the resistance provided to the movement of each arm member toward its closed position (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide resilient members as taught by Heideman, between the lever and arms of Angel et al, in order to vary the resistance in the closed position.

As to claims 6 and 7, Angel et al fail to disclose a resilient member being a spring or a bushing.

However, Heideman discloses a resilient member being a hydraulic cylinder. The hydraulic cylinder serves the equivalent function as a spring or a bushing, since the cylinder is capable of withstanding a force that acts the same as the spring force. In addition, the cylinder is also capable to act as a bushing. It would have been obvious to replace a cylinder with a bushing or a spring, since it is much cheaper and easier to install than a cylinder.

Response to Arguments

3. Applicant's arguments filed 11/23/04 have been fully considered but they are not persuasive.

Applicant's argument regarding to "the resilient members do not act until at least one of the electrodes of the weld gun reaches the work pieces to be welded. Then the resilient member or members yield to prevent the mechanism from moving the associated electrodes further against the workpiece, thereby preventing damage to the workpiece by excessive force exerted by the electrodes" is not in commensurate with the scope of the claim. Instead, applicant claims "the resilient member that allows limited variation of the electrode closed position", which is not defined over the prior art of record as explained above. Therefore, claims 3-7 remains rejected.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran
Examiner
Art Unit 1725

LT

January 14, 2005

KILEY S. STONER
PRIMARY EXAMINER

Kiley Stoner 1/18/05